

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

JAMES MARSHALL FOWLER and)
DIANE MARIE FOWLER,) Civil Action No.
)
Plaintiffs,) **COMPLAINT**
) (Tort-Automobile Accident)
-vs-) (Jury Trial Requested)
)
JOHN RAYMOND SCHULTE and)
HEARTLAND EXPRESS, INC. OF IOWA,)
)
Defendants.)
)

TO: THE ABOVE-NAMED DEFENDANTS AND DEFENDANTS' ATTORNEY(S):

The Plaintiffs would show unto this Honorable Court as follows:

1. That Plaintiff James Marshall Fowler is a resident of the State of Florida.
2. That Plaintiff Diane Marie Fowler is a resident of the State of Florida.
3. That Plaintiffs are now and were at the time of the events alleged herein married to each other as husband and wife.
4. That substantial acts and omissions alleged herein occurred in the State of South Carolina in the County of Orangeburg on I-95 near Holly Hill.
5. That Defendant John Raymond Schulte is, upon information and belief, a resident of the State of North Carolina.
6. That at all times alleged herein, the Defendant John Raymond Schulte was acting within the scope of his employment for Defendant Heartland Express, Inc. of Iowa.
7. That Defendant Heartland Express, Inc. of Iowa is, upon information and belief, a corporation registered and located in the State of Iowa.

8. That on or about December 29, 2018, at about 2:04 p.m., the Plaintiff John Marshall Fowler was operating his 1999 Ford pickup truck North on I-95 in the right-most lane of travel with his wife Plaintiff Diane Marie Fowler riding as a front seat passenger.

9. That on or about the above time and place, Plaintiff James Marshall Fowler slowed with braking traffic ahead of him.

10. That on or about the above time and place, the Defendant John Raymond Schulte was operating an 18-wheel tractor trailer owned by Defendant Heartland Express, Inc. of Iowa headed North in the same lane of travel as Plaintiffs when he failed to stop his truck and struck the rear of the Plaintiffs' pickup and pushed it into the vehicle ahead of it.

11. That the Defendant John Raymond Schulte was negligent, grossly negligent, and negligent per se in failing to exercise due care, in failing to properly maintain and inspect his tractor and trailer, in failing to keep a proper lookout, in following too closely, in driving distracted, and in driving too fast for conditions.

12. That the above described negligent acts and omissions of the Defendant John Raymond Schulte proximately caused bodily injury to both Plaintiffs causing them to seek medical attention and to suffer damages.

13. That the Defendant Heartland Express, Inc. of Iowa was negligent, grossly negligent, and negligent per se in failing to exercise due care, in failing to properly maintain and inspect its tractor and trailer, in failing exercise due care in the hiring, training, supervision and retention of its driver, and by operation of agency and respondeat superior for the acts and omissions of its driver.

14. That the above described negligent acts and omissions of the Defendant Heartland Express, Inc. of Iowa proximately caused bodily injury to both Plaintiffs causing them to seek medical attention and to suffer damages.

15. That both Plaintiffs seek compensation for their individual damages and also hereby assert loss of consortium claims each have as to the injuries suffered by their spouse.

WHEREFORE, Plaintiffs prays for judgment against Defendants on claims of negligence, gross negligence, carelessness, recklessness, negligence *per se*, and willfulness in such sum of actual damages that a trier of fact may determine together with such other relief this Court may deem just and proper.

GEORGE SINK, P.A. INJURY LAWYERS

s/Robert E. Treacy, Jr.

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